

House File 214 - Introduced

HOUSE FILE 214

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 15)

A BILL FOR

1 An Act relating to sex offender registration requirements,
2 sexually violent predators, and the commission of the
3 offense of child endangerment by a sex offender, and
4 providing penalties.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 692A.101, subsection 14, Code 2017, is
2 amended to read as follows:

3 14. *"Incarcerated"* means to be imprisoned by placing a
4 person in a jail, prison, penitentiary, juvenile facility,
5 or other correctional institution or facility or a place or
6 condition of confinement or forcible restraint regardless
7 of the nature of the institution in which the person serves
8 a sentence for a conviction. "Incarcerated" does not mean
9 placement in an adult residential correctional or treatment
10 facility that allows a resident to leave the facility for a
11 portion of a day or days.

12 Sec. 2. Section 692A.101, subsection 31, Code 2017, is
13 amended by striking the subsection and inserting in lieu
14 thereof the following:

15 31. *"Sexually violent predator"* means a person who has
16 been determined to be a sexually violent predator pursuant to
17 section 229A.7.

18 Sec. 3. Section 726.6, Code 2017, is amended by adding the
19 following new subsection:

20 NEW SUBSECTION. 1A. A person who knowingly takes custody or
21 control of a child or minor, or who knowingly has unsupervised
22 access to a child or minor while required to register as a sex
23 offender for a sex offense against a minor under chapter 692A,
24 commits child endangerment. However, this subsection does not
25 apply to a person who is a parent or guardian of the child or
26 minor, or to a person who is married to and living with a person
27 who is the parent or guardian of the child or minor.

28 Sec. 4. Section 726.6, subsection 3, unnumbered paragraph
29 1, Code 2017, is amended to read as follows:

30 For the purposes of subsection 1 or 1A, *"person having*
31 *control over a child or a minor"* means any of the following:

32 EXPLANATION

33 The inclusion of this explanation does not constitute agreement with
34 the explanation's substance by the members of the general assembly.

35 This bill relates to sex offender registration requirements,

1 sexually violent predators, and the commission of the offense
2 of child endangerment by a sex offender.

3 Currently, a person required to register as a sex offender
4 is not required to register while incarcerated including while
5 placed in a jail, prison, penitentiary, juvenile facility,
6 or other correctional institution or facility. The bill
7 changes the definition of "incarcerated" in Code chapter 692A
8 to specifically exclude placement in an adult residential
9 correctional or treatment facility that allows a resident to
10 leave the facility for a portion of a day or days. By excluding
11 placement in a residential correctional or treatment facility
12 from the definition of "incarcerated", a sex offender placed
13 in an adult residential correctional or treatment facility is
14 required to register as a sex offender while placed at such a
15 facility.

16 The bill changes the definition of "sexually violent
17 predator" in Code chapter 692A (sex offender registry) to mean
18 a person who has been determined to be a sexually violent
19 predator pursuant to Code section 229A.7 (civil commitment
20 of sexually violent predator). Code section 229A.2 defines
21 "sexually violent predator" to mean a person who has been
22 convicted of or charged with a sexually violent offense and who
23 suffers from a mental abnormality which makes the person likely
24 to engage in predatory acts constituting sexually violent
25 offenses, if not confined in a secure facility. A sexually
26 violent predator is classified as a tier III offender under
27 Code chapter 692A and must register as a sex offender for life.

28 Under the bill, a person who knowingly takes custody or
29 control of a child or minor, or who knowingly has unsupervised
30 access to a child or minor while required to register as a sex
31 offender, commits child endangerment. However, the bill does
32 not apply to a person who is a parent or guardian of the child
33 or minor, or to a person who is married to and living with a
34 person who is the parent or guardian of the child or minor. The
35 penalties for a person who commits child endangerment range

1 from an aggravated misdemeanor to a class "B" felony punishable
2 by up to 50 years in prison.